



Waste, Pesticides and Toxics Division

Type of Document: ☒ Response to Self-Disclosure
☐ Notice of Violation and Inspection Report/Checklist
☐ No Violation Letter and Inspection Report/Checklist
☐ Letter of Acknowledgment
☐ Information Request

Facility Name: Reclamation Technologies, Inc

Facility Location: 1100 Haskins Road

City: Bowling Green State: OH

U.S. EPA ID# OH0 043 643 360

Assigned Staff Michael Cunningham Phone: 64464

Name	Signature	Date
Author		10-1-07
Regional Counsel	Maria Gonzalez See attached e-mail	9-25-07
Section Chief		10-4-07

Directions/Request for Clerical Support:

After the Section Chief signs this sheet and original letter:

1. Date stamp the cover letter;
2. Make four copies of the contents of this folder:
 - One copy for the assigned staff;
 - One copy for the section file;
 - One copy for the branch file; and
 - One copy for the official file copy.
3. Make any additional copies for cc's or bcc's.
4. Mail the original certified mail and distribute office copies and cc's and bcc's.

Once the certified mail receipt is returned:

5. File the certified mail receipt (green card), with this sign-off sheet and the official file copy, and take to 7th floor RCRA file room;
6. E-mail staff the date that the letter was received by facility.



Maria
Gonzalez/R5/USEPA/US

To

09/25/2007 05:21 PM

Subject Rem-Tech Self-disclosure

History:

This message has been replied to.

ATTORNEY WORK PRODUCT
ENFORCEMENT CONFIDENTIAL
DRAFT/DELIBERATIVE
ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

DO NOT RELEASE

RELEASED
DATE 10-13-15
RIN # FOIA-2015-011277
INITIALS AT

Mike,

How about the following change to your letter closing out the RCRA self-disclosure of management of freon that appears to have fallen outside the definition of hazardous waste.



Rem Tec Final Letter92507.doc

RECEIVED
DATE
TIME
INITIALS

DRAFT

DRAFT

LR-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tim Kearney, Vice President
Reclamation Technologies, Incorporated
1100 Haskins Road
Bowling Green, Ohio 43402

Dear Mr. Kearney:

The United States Environmental Protection Agency (U.S. EPA) is in receipt of your letter dated November 22, 2006, in which you disclose, on behalf of Reclamation Technologies, Incorporated (RTI), possible non-compliance with the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq., as amended. On February 23, 2007, you sent an e-mail message to Michael Cunningham of the U. S. EPA, Region 5. In that message you state that you had subsequently concluded that the actions disclosed in the November 22, 2006, letter did not, in fact, constitute a violation of RCRA. Specifically, you claimed that the R-12 (Freon) which was managed at RTI between July, 2005 and November, 2006, did not meet the definition of a hazardous waste.

In response to requests from U.S. EPA dated March 16 and April 26, 2007, U.S. EPA received additional information regarding the materials managed at RTI which were the subject of the possible non-compliance. This information included analytical test results of the R-12 (Freon) described in the November 22, 2006 letter which was managed at RTI between July, 2005 and November, 2006.

This letter is to inform you that ~~U.S. EPA has reviewed the referenced information, and does not plan additional enforcement action based on our current review of the information provided, U.S. EPA is not taking enforcement action~~ at this time. This letter does not limit the applicability of the requirements evaluated, or of other federal or state statutes or regulations. Specifically, any waste exhibiting the characteristics listed in Ohio Administrative Code (OAC) 3745-51-21 through 3745-51-24 [40 CFR §§ 261.21 - 24] or meeting the listing description found at OAC 3745-51-31 through 3745-51-33 [40 CFR § 261.31 - 33] would be a hazardous waste, and must be managed in compliance with RCRA.

If you have any questions concerning this matter, please contact Michael Cunningham, of my staff, at (312) 886-4464.

Sincerely,

Paul Little, Chief, CS 2
RCRA Branch



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 05 2007

REPLY TO THE ATTENTION OF: LR-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tim Kearney, Vice President
Reclamation Technologies, Incorporated
1100 Haskins Road
Bowling Green, Ohio 43402

Re: Reclamation Technologies, Incorporated
U.S. EPA ID No.: OHD 043 643 360

Dear Mr. Kearney:

The United States Environmental Protection Agency (U.S. EPA) is in receipt of your letter dated November 22, 2006, in which you disclose, on behalf of Reclamation Technologies, Incorporated (RTI), possible non-compliance with the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 *et seq.*, as amended. On February 23, 2007, you sent an e-mail message to Michael Cunningham of the U. S. EPA, Region 5. In that message you state that you had subsequently concluded that the actions disclosed in the November 22, 2006, letter did not, in fact, constitute a violation of RCRA. Specifically, you claimed that the dichlorodifluoromethane (CFC-12) which was managed at RTI between July, 2005 and November, 2006, did not meet the definition of a hazardous waste.

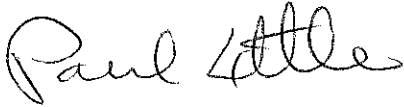
In response to requests from U.S. EPA dated March 16 and April 26, 2007, U.S. EPA received additional information regarding the materials managed at RTI which were the subject of the possible non-compliance. This information included analytical test results of the CFC-12 described in the November 22, 2006 letter which was managed at RTI between July, 2005 and November, 2006. The analytical results show contaminants in the CFC-12 that would typically be found in spent dichlorodifluoromethane. Spent dichlorodifluoromethane would not meet the description of a listed hazardous waste found at OAC 3745-51-31 through 3745-51-33 [40 CFR § 261.31 - 33].

This letter is to inform you, based on the CFC-12 analytical information provided by RTI, that U.S. EPA is not taking enforcement action pursuant to RCRA at this time. This letter does not limit the applicability of the requirements evaluated, or of other federal or state statutes or regulations. Specifically, any waste exhibiting the characteristics listed

in Ohio Administrative Code (OAC) 3745-51-21 through 3745-51-24 [40 CFR §§ 261.21 through 24] or meeting the listing description found at OAC 3745-51-31 through 3745-51-33 [40 CFR § 261.31 through 33] would be a hazardous waste, and must be managed in compliance with RCRA.

If you have any questions concerning this matter, please contact Michael Cunningham, of my staff, at (312) 886-4464.

Sincerely,

A handwritten signature in cursive script that reads "Paul Little".

Paul Little, Chief, CS 2
RCRA Branch

cc: Mitch Mathews, OEPA